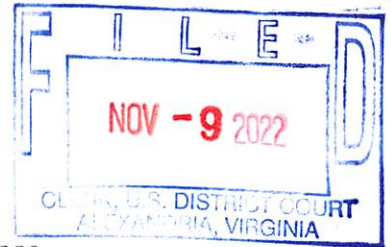


IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA



COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 1:22CV01284
(To be supplied by the Clerk, U.S. District Court) CMH/IDD

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

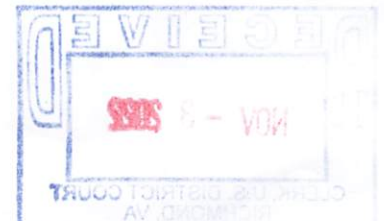
1. (a) Herbert William Jones, Jr. (Name) (b) 1130150 (Inmate number)
(c) Haynesville Corr. Ctr. P.O. Box 129 (Address)
Haynesville, Virginia 22472

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) Ronald Hite, a/k/a Ronnie (Name) (b) Sergeant, Police Officer (Title/Job Description)
(c) CREWE POLICE DEPARTMENT (Address)
125 E. CAROLINA AVE.
CREWE, VIRGINIA 23930



2. (a) Jimmy L. Pride Jr. (b) Probation Officer
(Name) (Title/Job Description)
- (c) 3040 S. Crater Rd. STE. F
(Address)
- Petersburg, VA 23803
3. (a) _____ (b) _____
(Name) (Title/Job Description)
- (c) _____
(Address)
- _____

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [] No [☒]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) _____

Defendant(s) _____

2. Court (if federal court, name the district; if state court, name the county):

3. Date lawsuit filed: _____

4. Docket number: _____

5. Name of Judge to whom case was assigned: _____

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?): _____

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place: _____

B. Does the institution listed in "A" have a grievance procedure? Yes [] No []

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [] No []

2. If so, where and when: _____

3. What was the result? _____

4. Did you appeal? Yes [] No []

5. Result of appeal: _____

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [] No []

If your answer is Yes, what steps did you take? _____

E. If your answer is No, explain why you did not submit your complaint to the prison authorities: _____

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

(1) MALICIOUS PROSECUTION against Officer Ronald Hite

On June 28, 2020 at approximately 10:30 pm, Ms. Glenda Ford
called Crewe Police Department to report her daughter hearing
a noise on their front porch. The defendant answered the call
and took her statement. Minutes later defendant visited the
Ford's home at 120 Gate Wood Avenue to further investigate.
However, prior to leaving his office defendant decided in
his mind that plaintiff was is sole suspect. So, defendant
took a single photograph of only the plaintiff with him to
Ms. Fords home, to see would she identify plaintiff as
the persen on her porch. When defendant arrived at Ms.
Ford's home, her and Mr. Ford was standing in front yard.
During questioning Ms. Ford stated that while watching a movie,
her daughter heard a noise on their front porch, and when
she [Ms. Ford] opened the door, a subject quickly ran off

continue... →

IV. STATEMENT OF THE CLAIM

the porch in direction of Tyler St. At that time defendant showed Ms. Ford the photograph of plaintiff, and asked were he the person on her porch. Ms. Ford stated she did not get a look at the subject face. The photo procedure used by defendant on June 28, 2020 were held by Courts to be one of the most impermissibly suggestive methods of identification and violates plaintiff rights. After leaving the Fords residence on June 28, 2020 defendant drove to plaintiff Mother's home to question him about his whereabouts on 6-28-20. Upon arrival, defendant had an accident directly inside plaintiff Mother's driveway. Defendant drove into a five-foot tall brick entrance Statute with his police cruiser. The Statute was destroyed, and defendant cruiser sustained substantial damage. Directly after the accident, defendant knocked on plaintiff Mother front door to inform her of the accident and to speak with plaintiff. Plaintiff could sense anger in defendant's voice when he asked if he [plaintiff] had been on anyone porch located at 120 Gate Wood Ave. within the previous two hours. Plaintiff stated he had not. Defendant then ordered plaintiff to step outside the house and follow him to his police cruiser, plaintiff did not want to follow defendant, but was under the apprehension that force would be used unless he willingly submit, and plaintiff did as ordered. Once at the front of defendant's car, "plaintiff was ordered to plead guilty to being on the Ford's porch or get arrested". Plaintiff insisted he was not on anyone porch, that's when defendant stated... quote "go ahead back into the house, I will see you in a few days" unquote. On or about July 2, 2020 the defendant filed a Police Report, that falsely stated he

continue →

[defendant] was called to 120 Gate Wood Ave. on June 28, 2020 for a "PEEPING TOM". The words "PEEPING TOM" uttered by defendant, while he was engaged in the ordinary course of his employment and in connection therewith, carried an imputation that plaintiff was on the Ford's porch, and he [defendant] was accusing plaintiff of peeping of into their window. Hence the aforementioned words used by defendant, from their usual construction and common acceptation, were insulting and used as a means to falsely accuse plaintiff of a criminal offense. To continue his animosity towards plaintiff, defendant on July 7, 2020 initiated criminal proceedings against plaintiff by providing false and misleading sworn Affidavits to Nottoway County Magistrate, Mr. Richard W. Stevenson, upon which two arrest warrants were issued charging that plaintiff did on or about June 28, 20 and June 14, 2020... "did unlawfully and feloniously in violation of Section 18-2-130 Code of Virginia: enter upon the property of another and secretly peep or spy into a window." defendant knew both statements were false when he ~~made~~ swore them to Magistrate. Additionally, no member of the Ford family testified at trial on February 14, 2020 that plaintiff ever peeped into their window on any date sworn by defendant to Magistrate on July 7, 2020. At all times ~~being~~ during defendant investigation and instigation of criminal proceedings against plaintiff, defendant conduct were "deliberate, malicious, injurious ~~and~~ and carried out so recklessly as to evince a conscious disregard of the truth and rights of the plaintiff.

continue... →

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

No reasonable officer can believe a warrant is
supported by probable cause if the magistrate is misled
by statements that the officer knew were false. On or
about July 9, 2020 plaintiff was arrested and carried to
Jail without bond, where he remained eighteen (18) months
awaiting trial. Plaintiff was tried on February 14, 2022 in the
Nottoway County Circuit Court where on that date both charges
were dismissed for lack of probable cause. Plaintiff has suffered
the following injury due to defendant reckless conduct:

(1) insult (2) mental and emotional distress (3) necessary expenses
(4) harm to reputation (5) Anxiety (6) Pain (7) distress

Plaintiff seek \$ 650,000 compensatory damages and
Plaintiff seek \$ 350,000 punitive damages

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

(2) FALSE IMPRISONMENT against Officer Ronald Hite

On July 9, 2020 while home sleeping, plaintiff was awakened by loud knocks at his apartment door. When he opened the door, he was confronted by several "FBI" agents carrying assault rifles. Plaintiff was immediately pulled outside his apartment, and ordered to bow to his knees on the sidewalk while one officer searched him and his apartment. While the apartment was being searched, plaintiff was questioned about crimes that had been committed on Gatewood Ave. in Crewe Virginia. It was difficult for plaintiff to focus on the questioning due to his confusion and embarrassment at being searched on the sidewalk where neighbors and other people had gathered to look on. After questioning, plaintiff was ordered to follow officers to a police car that was waiting to transport him to Riverside Regional Jail. Plaintiff did not want to go with the officers, but was afraid they may use force if he did not follow their instructions. These officers were sent to plaintiff home in Prince George, Virginia by the Crewe Police Department and Officer Hite to assist in the arrest of plaintiff. Plaintiff seeks \$200,000 in compensatory damages. [REDACTED]

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

Defendant conduct caused plaintiff the following injury:

(1) Denied freedom of movement

(2) Denied right to come and go as he chose

(3) Loss of time

(4) Injury to his reputation

(5) Bodily and mental suffering

(6) Anxiety (7) insult (8) pain (9) distress

Plaintiff seek \$250,000 punitive damages

" End claim 2 "

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

(3) Defamation under Code 1950, section 8-1030...insulting words

uttered by defendant while acting in the course of his employment.

The defendant filed a Police Report on or about July 2, 2020

which specifically stated he was called to 120 Gatewood

Avenue for a "PEEPING TOM" on June 28, 2020. The language

"PEEPING TOM" consist of a statement of matters which

would naturally and presumably be understood by

those who heard them as charging a crime. The words

"PEEPING TOM" were uttered by the defendant "falsely,

wrongfully, maliciously and injuriously". Hence the words

"PEEPING TOM" uttered by the defendant from their usual

construction and common acceptance, were insulting and

used as a means to falsely accuse plaintiff. Defendant

wrongful conduct caused plaintiff the following injury:

... continue

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

(1) Injury to his reputation

(2) Created anxiety in him

(3) Insult

(4) necessary expenses

(5) mental suffering, anxiety and distress

(6) pain

Plaintiff seek \$200,000 compensatory damages and

Plaintiff seek \$300,000 punitive damages

"End claim 3"

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

(4) Malicious Prosecution against Jimmy L. Pride, Jr.
On or about February 2020, plaintiff was placed on six (6)
months supervised probation by the Nottoway County General
District Court, and was further ordered to wear a GPS ankle
device to monitor his movement. Jimmy L. Pride was assigned
plaintiff Probation Officer. According to Pride, on July 1, 2020,
Chief Probation Officer Shante Thweatt, received a call from an
unidentified Department of Corrections employee, who alleged that
plaintiff has been peeping into his house at night looking at his
daughter. Based upon the unverified information provided by the
unidentified caller, Pride called Sergeant Ronald Hite of the
Crewe Police Department, and falsely stated plaintiff face was
seen during the incident. Based upon the false information
provided by Pride, that plaintiff face was seen, and
previous complaints from the same residence (120 Gatewood Ave.),
Officer Hite instituted criminal proceedings against plaintiff.
On July 7, 2020, plaintiff was formally charged with two
counts of "Peep/Spy Into Dwelling". After plaintiff was
arrested, "defendant Pride subsequently ratified and
continued the prosecution" initiated by Officer Hite.

continue

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

Traditional American doctrine, however, is that the giving of the information or the making of the accusation, however, does not constitute a procurement of the proceedings that the third person initiates if it is left to the uncontrolled choice of the third person to bring the proceedings or not as he may see fit. Pride didn't leave the choice solely up to defendant Hite regarding whether or not to initiate criminal proceedings. In fact, Pride stated in his July 10, 2020 "Capias Request", that himself and Hite "agreed," that allowing plaintiff to remain in the community after the incidents at 120 Gatewood Avenue, would be a public safety concern. Therefore, Pride issued a PB-15 for plaintiff arrest, which violated his probation. one who gives to a third person, whether public official or private person, information of another's supposed criminal conduct or

continue...

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

even accuses the other person of the crime, causes
the institution of such proceedings as are brought by
the third person.

Due to defendant Pride's malicious and reckless conduct,
plaintiff has suffered the following injury: (1) insult
(2) pain (3) mental and emotional distress (4) necessary expenses
(5) damage to reputation Plaintiff seek \$ 200,000
compensatory damages. (6) anxiety and distress
("END CLAIM 4) :

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. HWJ (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

☒ Award money damages in the amount of \$ 1,250,000 compensatory damages

☐ Grant injunctive relief by _____

☒ Other \$ 350,000 punitive damages

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

Piedmont Regional Jail, P.O. Box 388, Farmville, VA 23901 (Transferred June 2022)

Northway Correctional Center P.O. Box 488, Burkeville, VA 23922 (Transferred Aug 2022)

Haynesville Correctional Center P.O. Box 129 Haynesville, VA 22472 (Current Address)

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes ☒ No ☐. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 2nd day of October ~~November~~, 20 22.

Plaintiff Herbert W. Jones, Jr.